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**TESTIMONY IN SUPPORT OF THE NOMINATION OF THE HONORABLE  
CLARENCE THOMAS TO THE UNITED STATES SUPREME COURT**

Judge CLARENCE THOMAS, presently sitting on the UNITED STATES CIRCUIT COURT OF APPEALS for the District of Columbia, was born June 23, 1948, in Pin Point, Georgia, a small, at that time rundown, rural community South of Savannah, Georgia, in a house without electricity or plumbing. His mother was then eighteen (18) years old and was eking out a living by picking crabs for five (5) cents a pound. Judge THOMAS' father abandoned Judge THOMAS, his mother, and his sister while his mother was pregnant with a third child. The family then moved in with an aunt in a wooden shack surrounded by live oaks and water snakes. Judge THOMAS and his brother, MYER THOMAS, moved to Savannah, Georgia when the Judge was seven (7) years old. Though barely literate, their grandfather put together the money to send them to a local Catholic elementary school, where Judge THOMAS learned a lifelong lesson of self-reliance and pride.

That lesson followed Judge THOMAS through seminary, college, and law school, during which he was the victim of racial prejudice and the recipient of, arguably, the rewards of reverse discrimination. It is undenied that Judge THOMAS is a shining example of someone who, despite racism and poverty, has "bootstrapped" himself into the forefront of American legal circles.

Those opposing the nomination of Judge THOMAS to the UNITED STATES SUPREME COURT have cited a number of purported reasons for their opposition.

One of those reasons is his claimed lack of sufficient legal experience. I would point out that twenty-five (25) of the forty-eight (48) Justices who have served on the UNITED STATES SUPREME COURT since 1900 have arrived with little or no judicial experience. LOUIS BRANDEIS, ABE FORTAS, and LEWIS POWELL had no judicial experience at all. HUGO BLACK had almost no judicial experience. FELIX FRANKFURTER was a high ranking government bureaucrat. WILLIAM O. DOUGLAS was Chairman of the SECURITIES AND EXCHANGE COMMISSION. EARL WARREN had been the Governor of the State of California. Yet, depending on your political perspective, these are widely admired jurists.

Judge THOMAS' nomination has also been opposed on the grounds that he is, allegedly, nothing more than a "lackey" for white racists, with the inference being that those white racists are embodied in the administrations of Presidents REAGAN and BUSH. However, this position ignores reality. Judge THOMAS, while head of the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, opposed attempts by the United States Justice Department, under President REAGAN, to overturn local Court-ordered quota plans. He criticized the White House for supporting the tax-exempt status of a racially separatist university. He fought to uphold civil rights laws so much that there was talk of dumping him at the end of President REAGAN's first term. To quote DEBRA G. SAUNDERS, a columnist for the LOS ANGELES DAILY NEWS, "Those who insinuate that Thomas has made a career of slavish servitude to white oppressors are wrong: He has been independent from all factions...but his views are not of the mainstream. His views are too independent. He thinks for himself."

Opposition to the nomination of Judge THOMAS has also been based upon his refusal to discuss issues that may come before him sitting as a Justice on the UNITED STATES SUPREME COURT. However, to quote United States Senator TED KENNEDY, "We will have to respect that any nominee...will have to defer any comments on any matters which are either before the Court or is very likely to appear before the Court. This has been a procedure which has been followed in the past and is one which I think is based on sound legal precedent." Of course, those remarks were made by Senator KENNEDY during the nomination hearings on UNITED STATES SUPREME COURT Justice THURGOOD MARSHALL, a black liberal, whereas Judge THOMAS is a black conservative.

The nomination of Judge THOMAS has also been opposed due to his opposition to reverse discrimination in the form of racial quotas. Such quotas are part of the "liberal agenda" to which opposition is considered treason when that opposition is from a black or hispanic. "Left-wing interest groups are uncomfortable with blacks like Judge Thomas who refuse to bend the knee to the transient gods of liberalism. They will attack his nomination and they will fail. They will fail because this man's independence and refusal to stay in his place on the Liberal Plantation will capture the hearts of the American people." These, the words of RICHARD F. DUNCAN, Professor of Constitutional Law at the UNIVERSITY OF NEBRASKA COLLEGE OF LAW.

The opponents to Judge THOMAS have also claimed that he will be nothing more than a follower of the so-called conservative bloc on the UNITED STATES SUPREME COURT. However, the record speaks otherwise. While on the UNITED STATES CIRCUIT COURT OF APPEALS, Judge THOMAS joined with RUTH BADER GINSBURG seven (7) of seven (7) times in her opinions, PATRICIA WALD six (6) of six (6) times, HARRY EDWARDS three (3) of three (3) times, and ABNER MIKVA five (5) of six (6) times. All of these were President CARTER's appointees. This hardly indicates that Judge THOMAS will "fall into line" behind whatever the conservative Justices on the UNITED STATES SUPREME COURT desire.

What appears to most gall those in opposition to the nomination of Judge THOMAS is not that he is a conservative, but that he is a black conservative! With the exception of Judge ROBERT BORK, who became a "cause celebre" for the left, the nominees to the UNITED STATES SUPREME COURT for the past eleven (11) years have "sailed" through their nominations with little or no trouble. These individuals have, without exception, been as conservative as, or more conservative than, Judge THOMAS. Judge THOMAS flies in the face of the liberal position that all blacks must blindly follow the liberal agenda put forward by the ACLU, the NEW YORK TIMES, etc., thereby destroying the liberal charade that all conservatives are white males. According to Professor DUNCAN, "Thomas is a new kind of a role model for young people from all racial backgrounds. His message to these youngsters is: 'Don't look to government preferences and handouts to solve your problem; look to self-reliance, personal effort and equal opportunity as the best path to success in contemporary America.'" However, of course, this type of thinking, if widely promulgated, will destroy the welfare state, reduce the need for the bureaucracy that supports it, reduce the need for our ever-increasing burden of taxes, and result in the destruction of the liberal mythology as to what is necessary to "save" the UNITED STATES OF AMERICA.

According to BESTY HART of the HERITAGE FOUNDATION, "Thomas...will challenge the 'moral monopoly' the Left has exercised over blacks, other minorities, and women. The monopoly views to classify people according to their alleged group 'victimization' status and then present each group as a monolith in its thinking. The problem for the left is that Clarence Thomas stands to expose such follies."

Despite attacks by the liberal media, including the NEW YORK TIMES, that Judge THOMAS is "out-of-step" with other black leaders concerning the issue of quotas and of reverse discrimination, he is in step with black leaders such as W.E.B. DuBOIS, BOOKER T. WASHINGTON, T. THOMAS FORTUNE, and others who have emphasized the need for blacks and other minorities to help themselves, as opposed to looking for handouts such as the liberal agenda would foster.

Despite her apparent opposition to the nomination, CYNTHIA TUCKER, Associate Editor of the ATLANTIC CONSTITUTION's Editorial Pages said, "His qualifications are obvious. Though his politics during his tenure in the Reagan White House left much to be desired, there is nothing to suggest that his stewardship of the Equal Employment Opportunity Commission displayed incompetence. Nor is there evidence that he lacks the profound and learned grasp of the legal theory necessary to serve on the High Court. In scholarly articles, his reasoning is lucid and often persuasive."

For these reasons, and more, I would urge you to join with GUIDO CALABRESI (Dean of the YALE LAW SCHOOL), the Compton, California branch of the NAACP, Georgia State Representative TYRONE BROOKS of Atlanta (State Director of JESSE JACKSON's presidential campaigns), Georgia Labor Commissioner AL SCOTT (the highest ranking black in the Georgia State Executive Branch), ARTHUR A. FLETCHER, Chairman

of the UNITED STATES COMMISSION ON CIVIL RIGHTS, and numerous other individuals in supporting the nomination of Judge CLARENCE THOMAS as a Justice on the UNITED STATES SUPREME COURT.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Keep', written over the typed name.

Gary G. Keep  
Executive Director  
United States Justice Foundation